

**Section I**  
**Notices of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Finance**

RULE TITLE: RULE NO.:

Certificate of Authority Renewal 3D-30.041

PURPOSE AND EFFECT: The purposes and effects of this amendment are to implement legislative changes to Section 497.407, F.S., by Laws of Florida, 2000-195 and to change the renewal period to commence on July 1 of each year.

SUBJECT AREA TO BE ADDRESSED: The renewal period is changed to commence July 1 to allow for processing delays. New renewal form DBF-COA-R3 reduces a completed application from the former fifteen (15) pages to the new form's three (3) pages.

SPECIFIC AUTHORITY: 497.103(1), 497.105(1), 497.105(5), 497.407 FS.

LAW IMPLEMENTED: 497.105(1), 497.407 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Requests for the rule development workshop should be addressed to: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0350.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-30.041 Certificate of Authority Renewal.

(1) Each active certificate of authority shall be renewed for the annual period beginning July June 1 of each year upon approval by the Board of Funeral and Cemetery Services. The application for renewal will be presented to the Board upon receipt and review by the Department of a non-refundable renewal fee as established by Section 497.407(4), F.S., of \$250 as set by the Board, a financial statement as of the entity's most recent fiscal year end, and a completed Annual COA Renewal Statement. Certificate of Authority Renewal, Form DBF-COA-R1, effective 1-18-96, Annual COA Financial Statement, Form DBF-COA-R2, effective 1-18-96, and Annual

COA Renewal Statement, Form DBF-COA-R3, revised 12-6-01 effective 1-18-96, are hereby incorporated by reference and available by mail or electronically from the Department of Banking and Finance, Division of Finance, ~~Suite 553~~, Fletcher Building, Tallahassee, Florida 32399-0350.

(2) Failure to submit the statements as required in subsection (1) may result in the levy of a fine by the Board of Funeral and Cemetery Services in the amount of \$50 per day for each day the financial and renewal statements are not submitted as follows:

(a) Annual COA Financial Statement must be submitted to and received by the Department of Banking and Finance, Board of Funeral and Cemetery Services, ~~Suite 553~~, Fletcher Building, Tallahassee, Florida 32399-0350, within 3 months of the end of the certificateholder's fiscal year.

(b) Annual COA Renewal Statement and the required renewal fee must be submitted to and received by the Department of Banking and Finance, Board of Funeral and Cemetery Services, ~~Suite 553~~, Fletcher Building, Tallahassee, Florida 32399-0350, on or before April 1 of each year.

(3) Financial statements may be prepared either on the form promulgated by this rule or by an independent certified public accountant on the accrual or income tax basis of accounting in conformity with Rule 3F-5.0016, F.A.C. Audited statements are acceptable. The financial statements must document compliance with the minimum financial responsibility requirements of Rule 3F-5.0016, F.A.C. Failure to comply with said rule shall result in denial of the renewal application.

(4) The Department or Board may request additional information from the Certificate of Authority to verify or confirm statements made in the Annual COA Renewal Statement and the Annual COA Financial Statement within one year after the end of the renewal period.

~~(5)(4)~~ In the event the renewal application is denied by the Board, the renewal fee paid is not refundable. If a hearing is requested on the denial, the certificate shall remain in active status during the pendency of the hearing.

~~(6)(5)~~ Any Certificate of Authority not approved or denied by the Board prior to July June 1 of each year shall automatically expire on July June 1 and the entity shall be required to cease and desist from all selling of preneed funeral and cemetery goods and services. All preneed sales agent registrations associated with the certificate of authority will be terminated. New applications for certification/registration must be submitted to and approved by the Board in order to return the certificate and agent registrations to active status. The applicants shall be subject to all requirements of initial application.

Specific Authority 497.103(1), 497.105(1),(5), 497.407 FS. Law Implemented 497.105(1), 497.407 FS. History--New 6-24-96, Amended \_\_\_\_\_.

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

RULE TITLE: Cancellation of Preneed Contracts; Reasonable Time Defined  
 RULE NO.: 3F-8.003

PURPOSE AND EFFECT: The Board is amending this rule to define "reasonable time" pursuant to Section 497.005(25), F.S.

SUBJECT AREA TO BE ADDRESSED: Cancellation of Preneed Contracts; Reasonable Time Defined.

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.419(3)(a), 497.005(25) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-8.003 Cancellation of Preneed Contracts; Reasonable Time Defined.

For purposes of Section 497.419(3)(a), F.S., a reasonable time for delivering merchandise consisting of "caskets" as defined by Section 497.005(9), F.S., and "outer burial containers" as defined by Section 497.005(29), F.S., shall be 24 hours from the time the purchaser or agent requests that the certificateholder deliver the merchandise. A reasonable time for delivering merchandise consisting of monuments as defined by Section 497.005(2), F.S., shall be 180 days from interment or from the time the purchaser or agent requests that the certificateholder deliver the monument. The certificateholder shall record the date and time that the request for delivery is received from the purchaser or agent in a log kept for that purpose. In the event a certificateholder fails to maintain such log and record a request for delivery, then the date and time of such request shall be the date and time designated by the purchaser or agent.

Specific Authority 497.103 FS. Law Implemented 497.419(3)(a) FS. History--New 4-25-94, Amended 3-5-01,\_\_\_\_\_.

**DEPARTMENT OF INSURANCE**

**Division of State Fire Marshal**

RULE CHAPTER TITLE: Firefighter Employment Standards  
 RULE CHAPTER NO.: 4A-62.005

RULE TITLE: Exemption from 29 Code of Federal Regulations,  
 RULE NO.: 4A-62.005

Section 1910.134(g)(4)

PURPOSE AND EFFECT: The purpose and effect of the new rule is to provide procedures and direction to fire departments and local governments in securing and maintaining the exemptions provided for in Rule 4A-62.003, Florida Administrative Code, and to provide standards for implementing 29 C.F.R. 1910.134(g)(4).

SUBJECT AREA TO BE ADDRESSED: Exemptions from Section 1910.134(g)(4), "the 2-in, 2-out rule," as adopted in Rule 4A-62.003, Florida Administrative Code.

SPECIFIC AUTHORITY: 633.01(1) FS.

LAW IMPLEMENTED: 633.45(1)(a) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

DATE AND TIME: 10:00 a.m., March 14, 2002

PLACE: Main Auditorium, Florida State Fire College, 11655 Northwest Gainesville Road, Ocala, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Angie Cain at the above address or by calling (352)732-1330, Suncom 667-1330.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Randall Napoli, Chief, Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 N. W. Gainesville Road, Ocala, Florida 34482

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4A-62.005 Exemption from 29 Code of Federal Regulations, Section 1910.134(g)(4).

(1) Any local fire department or local government which seeks to be exempt from the effect of 29 Code of Federal Regulations, Section 1910.134(g)(4) as of April 1, 2002, for a period of six months after April 1, 2002, in accordance with Section 4A-62.003(3)(b), Florida Administrative Code, shall, by and through its chief executive officer in writing, notify the Director of the Division of State Fire Marshal, at 200 East Gaines Street, Tallahassee, Florida 32399-0240 or by facsimile transmission to fax number (850)922-1235, that such fire department or local government is exempt not later than by close of business on April 1, 2002. Such notice need not be in any particular form, but must contain at a minimum the following information:

(a) The name of the fire department or local government;

(b) The address of the fire department or local government;

(c) A statement that the fire department or local government is not able to implement 29 Code of Federal Regulations, Section 1910.134(g)(4) without adding additional personnel to its firefighting staff or expending significant additional funds.

(d) A statement that the fire department or local government agrees to cooperate fully with the Division of State Fire Marshal in seeking to implement 29 Code of Federal Regulations, Section 1910.134(g)(4).

(2) In lieu of the letter required by subsection (1), the chief executive officer of the fire department or local government may copy, complete, and mail the following certification to the Director of the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, or fax it to the Director, Division of State Fire Marshal at Fax No. (850)922-1235:

<u>Certification</u>
Date: _____
I certify that the _____ Fire Department or Local Government, whose address is: _____ _____
is not able to implement 29 Code of Federal Regulations, Section 1910.134(g)(4) without adding additional personnel to its firefighting staff or expending significant additional funds.
On behalf of the above fire department or local government, I agree to cooperate fully with the Division of State Fire Marshal in seeking to implement 29 Code of Federal Regulations, Section 1910.134(g)(4).
_____ <u>Chief Executive Officer Signature</u>
_____ <u>Printed Name of Chief Executive Officer</u>

(3) Pursuant to Section 4A-62.003(3)(c), Florida Administrative Code, upon receipt of the letter described in subsection (1) or the certification in subsection (2), the Division of State Fire Marshal shall present such letter or certification to the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, at its next regular meeting.

(4) The Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, shall assign one or more of its members as a "special exemption subcommittee" to investigate the circumstances surrounding the reason why such fire department or local government is not able to implement 29 Code of Federal Regulations, Section 1910.134(g)(4) without adding additional firefighters to its staff or expending significant additional funds. In such investigation, the special

exemption subcommittee shall, assisted by a member of the staff of the Division of State Fire Marshal, investigate and take into consideration the following factors:

(a) Whether the fire department or local government submitting the letter or certification has made any attempt to enter into any interlocal agreement with any surrounding fire department or local government or to take any other measures which would assist it in implementing 29 Code of Federal Regulations, Section 1910.134(g)(4) without adding additional firefighters to its staff or expending significant additional funds:

(b) If no attempt, or an insufficient attempt, has been made to enter into an interlocal agreement with a surrounding fire department or local government or to take any other measures, the special exemption subcommittee shall investigate the feasibility and capability of the fire department or local government entering into such an agreement with one or more surrounding fire departments or local governments so that the fire department or local government seeking the exemption would be able to implement 29 Code of Federal Regulations, Section 1910.134(g)(4) without adding additional firefighters or expending significant additional funds.

(c) The special exemption subcommittee may also consider any other factor or take any other action the special exemption subcommittee deems reasonably necessary to complete its charge from the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate.

(d) The special exemption subcommittee, assisted by a member of the staff of the Division of State Fire Marshal, shall prepare and submit a report to the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, at least two weeks prior to the next regular meeting of the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate. The report need not be in any particular form but shall contain:

1. The action taken by the special exemption subcommittee in performing its investigation;
2. The results of the investigation; and
3. The recommendation or recommendations of the special exemption subcommittee.

(5) The Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, shall consider the actions taken by the special exemption subcommittee together with the results and any recommendation or recommendations by the special exemption subcommittee. The Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, shall take one of the following three actions:

(a) Adopt any recommendation or recommendations made by the special exemption subcommittee in full as its recommendation or recommendations to the State Fire Marshal; or

(b) Adopt any recommendation or recommendations made by the special exemption subcommittee with any changes, additions, or deletions the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, may make as its recommendation or recommendations to the State Fire Marshal; or

(c) Request that the special exemption subcommittee revisit the fire department or local government which alleges that it cannot comply with 29 Code of Federal Regulations, Section 1910.134(g)(4) without adding additional firefighters to its staff or expending significant additional funds, and take any further reasonable steps in its investigation. If the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, takes the action provided for in this subparagraph, it shall provide specific guidance to the special exemption subcommittee as to the factors and actions it is directing the special exemption subcommittee to consider and take.

(6)(a) Upon receipt of any recommendation or recommendations of the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, the Division of State Fire Marshal shall notify the subject fire department or local government of the recommendation or recommendations of the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, and shall, if it approves of the recommendation or recommendations of the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, request the fire department or local government to comply with such recommendation or recommendations.

(b) If the Division of State Fire Marshal does not approve the recommendation of the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, it shall return the recommendation to the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, with specific directions to consider any other reasonable factors or take any other reasonable action.

Specific Authority 633.01(1) FS. Law Implemented 633.45(1)(a) FS. History—New

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

RULE CHAPTER TITLE:  
Plant Pest Control

RULE CHAPTER NO.:  
5B-59

RULE TITLE: RULE NO.:

Standards for Determining When to Cease Use of a Pesticide During an Emergency Response to a Plant Pest Infestation Which Involves the Aerial Application of a Pesticide to an Urbanized Area 5B-59.002

PURPOSE AND EFFECT: This rule is required under Section 593.21, F.S. It establishes standards and criteria to be identified when the use of a pesticide during an emergency response to a plant pest infestation which involves the aerial application of a pesticide to an urbanized area will be discontinued.

SUBJECT AREA TO BE ADDRESSED: Establishing standards and the criteria to be used in order to cease aerial spraying in an urban area in response to a plant pest infestation.

SPECIFIC AUTHORITY: 593.20, 593.21, 593.24 FS.

LAW IMPLEMENTED: 593.21 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m., March 22, 2002

PLACE: George Eyster Auditorium, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Steven J. Rutz, Director, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-59.002 Standards for Determining When to Cease Use of a Pesticide During an Emergency Response to a Plant Pest Infestation Which Involves the Aerial Application of a Pesticide to an Urbanized Area.

(1) When the Department conducts an emergency response to a plant infestation which involves the aerial application of a pesticide to an urbanized area (hereafter referred to as the "Emergency Response") under s. 593.20, it will coordinate with the Department of Health to obtain and share all available human health effects information related to the Emergency Response, including, but not limited to:

(a) Aggregate information collected from physicians and hotline calls.

(b) Data generated by county health departments, poison control centers and related public health organizations relative to the monitoring of human health effects.

(c) Data generated by public health information or surveillance plans implemented to monitor, detect and investigate any health impacts under the Emergency Response.

(d) Physicians reports of patients treated for illnesses which may be exposure related.

(e) Documentation of exposures not addressed by any pesticide risk assessments that may have been prepared in connection with the Emergency Response.

(f) Data which provide for the comparison of health information from individuals or groups before and after treatments.

(2) The Department will request the Health Advisory Committee established under s. 593.24 review the data obtained under subsection (1) dealing with potential human health effects in the Emergency Response area and provide its opinion regarding the existence or potential existence of adverse human health effects caused by the Emergency Response. If actual or potential adverse human health effects are identified, the Department will ask the Health Advisory Committee to evaluate the data in relation to the significance of the health effects identified by examining the data and providing its opinions, findings and recommendations on the following issues, where applicable:

(a) Whether the reported symptoms are consistent with the known toxicology of one or more of the materials in the pesticide mixture used.

(b) Whether the symptoms are consistent among the reported and documented cases.

(c) Whether the onset of symptoms is consistent with the timing of the exposure.

(d) If there is a relationship between the magnitude of the known, documented, or calculated exposure(s) and the severity of the reported symptoms.

(e) Whether other causes for the reported symptoms have been ruled out.

(f) Whether the expression of toxicity is biologically plausible.

(g) The severity of the reported symptoms.

(h) The number of cases reported and the number that are believed to be related to or caused by the Emergency Response.

(i) Whether or not the findings in relation to the review of data in (a-h) support the conclusion that the combination of pesticide active ingredient, method of application and dosages used are causing or are likely to cause unreasonable adverse health effects to people in the Emergency Response area.

(j) If the answer in (i) is yes, whether or not the method of application or dosages or pesticide active ingredient used can be changed so that significant adverse health effects to people in the Emergency Response area are unlikely.

(3) The Department will discontinue use of a pesticide under an emergency response when the following standards are met:

(a) The Health Advisory Committee established under s. 593.24, based on its review of data under subsection (2), provides its written conclusion that the pesticide active ingredient, method of application or dosages used are causing or are likely to cause unreasonable adverse health effects to people in the Emergency Response area; and

(b) The method of application or dosages or pesticide active ingredient used for Emergency response can not be modified to such a degree to change the Health Advisory Committee's conclusion that the combination of pesticide active ingredient, method of application or dosages used are causing or are likely to cause significant adverse health effects to people in the Emergency Response area; or

(c) The Department does not immediately implement modifications, if any, deemed necessary by the Health Advisory Committee to conclude that the combination of pesticide active ingredient, method of application or dosages used are not likely to cause unreasonable adverse health effects to people in the Emergency Response area.

Specific Authority 593.20 593.21 593.24 FS. Law Implemented 593.20 593.21 593.24 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Fertilizer	5E-1
RULE TITLE:	RULE NO.:
Fertilizer Aircraft Registration, Inspection, Security, Storage, Transactions, Recordkeeping, Area-of-Application Information and Forms	5E-1.025

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish requirements governing aircraft used for the aerial application of fertilizer, including requirements for recordkeeping, annual aircraft registration, secure storage when not in use, area-of application information, and reporting of any sale, lease, purchase, rental, or transfer of ownership.

SUBJECT AREA TO BE ADDRESSED: Registration of aircraft and security of aircraft and fertilizers. Reporting of transfer of ownership of aircraft.

SPECIFIC AUTHORITY: 570.07(23), 576.181 FS.

LAW IMPLEMENTED: 576.181 FS.

IF REQUIRED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., March 21, 2002

PLACE: AES Conference Room, Lab. 8, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mr. Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, 3125 Conner Blvd., Bldg. 8. (L29), Tallahassee, Florida 32399-1650, telephone (850)488-8731

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-1.025 Fertilizer Aircraft Registration, Inspection, Security, Storage, Transactions, Recordkeeping, Area-of-Application Information and Forms.

(1) Registration. Each aircraft used for aerial application of any fertilizer, must be annually registered with the department. Application for registration shall be on form DACS- 13354, New 01/02, provided by the department. The completed registration form shall be submitted to the Pesticide Certification Office, 3125 Conner Blvd., Bldg. 8 (L29), Tallahassee, Florida 32399-1650. The registration shall be submitted to the Department on or before June 30 of each year.

(2) Inspection. Authorized department representatives may inspect aircraft required to be registered with the department as to equipment relating to aerial fertilizer application under this rule during normal working hours without prior notification or as determined necessary when an emergency has been declared as contained in subsection (7) herein.

(3) Security. Each aircraft used for aerial application of any fertilizer shall be secured when not in use. Secured storage shall include the aircraft being: within a locked building, locked in place securely, mechanically disabled from flying, or any other reasonable method which would prevent or deter theft or unauthorized use.

(4) Storage. All fertilizers on the premises owned or controlled by any aerial applicator shall be stored and maintained in a manner such that they are not accessible to unauthorized persons. Secured storage shall include: fences with a minimum 6 feet height, door locks, valve locks, electronic security systems, disabling of mobile storage units, blocking of access, ingress or egress; or any other reasonable method to prevent or deter theft or unauthorized use. Buildings used to store fertilizers must be of rigid construction so unauthorized entry can not be achieved without the use of heavy machinery or equipment. If a portable building is used for storage of fertilizers, the building must be secured in place so it can not be towed or otherwise removed by unauthorized persons.

(5) Transactions. Any purchase, sale, rental, leasing, or transfer of ownership of an aircraft required to be registered with the department pursuant to subsection (1) above shall be

transmitted to the department on (1) Florida Department of Revenue form DR-42 Rev-06/99 Ownership Declaration and Sales and Use Tax Report on Aircraft or (2) Aircraft Bill of Sale Form AC 8050-2 (09/92) or (3) Report of Aircraft Transaction Form DACS-13355, New 01/02 within 24 hours of the transaction.

(6) Recordkeeping. Aerial applicators shall maintain records relating to each application of fertilizer during a declared emergency. Such records generated during the emergency shall be retained for a period of two (2) years and shall be maintained in a manner that is accessible by the department upon request.

(a) Name and FAA license number of the licensee responsible for the fertilizer application;

(b) Date and time of treatment;

(c) Location of treatment site, which may be recorded using any of the following designations:

1. County, range, township and section;

2. An identification system utilizing maps and/or written descriptions which accurately identify the location and distinguish the treatment site from other sites;

3. The legal property description; or

4. Global Positioning Satellite (GPS) coordinates or Longitude/Latitude points which delineate the treated area.

(d) Name of the person requesting or authorizing the application.

(e) Aircraft manufacturer, make and model.

(f) FAA aircraft registration number.

(g) Originating airport/airstrip.

(7) Area-of-Application Information. The information listed in (6)(a) through (6)(g) is required only when a declaration of an Executive Order pursuant to the emergency powers granted to the Governor or the Commissioner of Agriculture declaring an emergency in the State of Florida. Such information shall be provided and filed with the Department in a manner determined by the department.

(8) Forms. The following forms are hereby incorporated by reference. These forms may be obtained from the Florida Department of Agriculture and Consumer Services, Pesticide Certification Office, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399-1650, telephone (850)488-3314.

(a) Application for Aircraft Registration (DACs-13354), New 01/02.

(b) Ownership Declaration and Sales and Use Tax Report on Aircraft (DR-42), Rev. 06/99.

(c) Aircraft Bill of Sale AC Form 8050-2 (09/92).

(d) Report of Aircraft Transaction (DACs-13355), New 01/02.

Specific Authority 576.181, 570.07(23) FS, Law Implemented 576.181 FS, History—New \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE CHAPTER TITLE: Seed  
 RULE CHAPTER NO.: 5E-4

RULE TITLE: Seed Aircraft Registration, Inspection, Security, Transactions, Recordkeeping, Area-of-Application Information and Forms  
 RULE NO.: 5E-4.013

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish requirements governing aircraft used for the aerial application of seed, including requirements for recordkeeping, annual aircraft registration, secure storage when not in use, area-of-application information, and reporting of any sale, lease, purchase, rental, or transfer of ownership.

SUBJECT AREA TO BE ADDRESSED: Seed Aircraft Registration requirements.

SPECIFIC AUTHORITY: 570.07(23), 578.11 FS.

LAW IMPLEMENTED: 578.11 FS.

IF REQUIRED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., March 21, 2002

PLACE: Agricultural Environmental Services Conference Room, Lab. 8, 3125 Conner Blvd., Tallahassee, FL 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mr. Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, 3125 Conner Blvd., Bldg. 8 (L29), Tallahassee, Florida 32399-1650, telephone (850)488-8731

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-4.013 Seed Aircraft Registration, Inspection, Security, Transactions, Recordkeeping, Area-of-Application Information and Forms.

(1) Registration. Each aircraft used for aerial application of any seed, must be annually registered with the department. Application for registration shall be on form DACS-13354, New 01/02 provided by the department. The completed registration form, shall be submitted to the Pesticide Certification Office, 3125 Conner Blvd., Bldg. 8 (L-29), Tallahassee, Florida 32399-1650. The registration shall be submitted to the Department on or before June 30 of each year.

(2) Inspection. Authorized department representatives may inspect aircraft required to be registered with the department under this rule during normal working hours without prior notification or as determined necessary in an emergency situation.

(3) Security. Each aircraft used for aerial application of any seed shall be secured when not in use. Secured storage shall include the aircraft being: within a locked building, locked in place securely, mechanically disabled from flying, or any other reasonable method which would prevent or deter theft or unauthorized use.

(4) Transactions. Any purchase, sale, rental, leasing, or transfer of ownership of an aircraft required to be registered with the department pursuant to paragraph (1) above shall be transmitted to the department on (1) Florida Department of Revenue Form DR-42 Rev-06/99 Ownership Declaration and Sales and Use Tax Report on Aircraft or (2) Aircraft Bill of Sale Form AC 8050-2 (09/92) or (3) Report of Aircraft Transaction Form DACS-13355, New 01/02 within 24 hours of the transaction.

(5) Recordkeeping. Aerial applicators shall maintain records relating to each application of seed. Such records shall be retained for a period of two (2) years and shall be maintained in a manner that is accessible upon request by the Department.

(a) Name and FAA license number of the licensee responsible for the seed application;

(b) Date and time of treatment;

(c) Location of treatment site, which may be recorded using any of the following designations:

1. County, range, township and section;

2. An identification system utilizing maps and/or written descriptions which accurately identify the location and distinguish the treatment site from other sites;

3. The legal property description; or

4. Global Positioning Satellite (GPS) coordinates or Longitude/Latitude points which delineate the treated area.

(d) Name of the person requesting or authorizing the application.

(e) Aircraft manufacturer, make and model;

(f) FAA aircraft registration number;

(g) Originating airport/airstrip.

(6) Area-of-Application Information. The information listed in (5)(a) through (5)(g) is required only when contained within a declaration of an Executive Order pursuant to the emergency powers granted to the Governor or the Commissioner of Agriculture declaring an emergency in the State of Florida. Such information shall be provided and filed with the Department in a manner determined within the declaration.

(7) Forms. The following forms are being hereby incorporated by reference. These forms may be obtained from the Florida Department of Agriculture and Consumer Services, Pesticide Certification Office, 3125 Conner Boulevard, Building 8 (L-29), Tallahassee, Florida 32399-1650, telephone (850)488-3314.

(a) Application for Aircraft Registration (DACS-13354), New 01/02.

(b) Ownership Declaration and Sales and Use Tax Report on Aircraft (DR-42), Rev. 06/99.

(c) Report of Aircraft Transaction (DACS-13355), New 01/02.

(d) Aircraft Bill of Sale AC Form 8050-2 (09/92).

Specific Authority 578.11(2), 570.07(23) FS. Law Implemented 578.11 FS. History—New.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Pesticides	5E-9
RULE TITLE:	RULE NO.:
Pesticide Aircraft Registration, Liability Insurance/Surety Bond, Security, Inspection, Storage, Recordkeeping, Area-of-Application Information, Transactions, and Forms	5E-9.036

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish requirements governing aircraft used for the aerial application of pesticides, including requirements for recordkeeping, annual aircraft registration, secure storage when not in use, area-of-application information, and reporting of any sale, lease, purchase, rental, or transfer of ownership.

SUBJECT AREA TO BE ADDRESSED: Requirements for aerial application of pesticides.

SPECIFIC AUTHORITY: 570.07(23), 487.051 FS.

LAW IMPLEMENTED: 487.051 FS.

IF REQUIRED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., March 21, 2002

PLACE: AES Conference Room, Lab 8, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mr. Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, 3125 Conner Blvd., Bldg. 8. (L29), Tallahassee, Florida 32399-1650, telephone (850)488-8731

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-9.036 Pesticide Aircraft Registration, Liability Insurance/Surety Bond, Security, Inspection, Storage, Recordkeeping, Area-of-Application Information, Transactions, and Forms Financial Responsibility.

(1) Registration. Each aircraft used for aerial application of any pesticide must be annually registered with the department with proof of insurance or surety bond. Application for registration shall be on form DACS-13354, New 1/02, provided by the department. The completed registration form and proof of insurance shall be submitted to the Pesticide Certification Office, 3125 Conner Blvd. Bldg. 8 (L29) Tallahassee, Florida 32399-1650. The registration period shall be submitted to the Department on or before June 30 of each year and shall not exceed the time period covered by proof of insurance or surety bond. Each applicant for licensure as an aerial applicator shall submit proof of financial responsibility to the department, and upon obtaining such licensure, shall maintain proof of financial responsibility during the entire time such license is in effect and aerial applications are made. Proof of financial responsibility may consist of:

(2) Proof of Insurance or Surety Bond. Proof of insurance or surety bond shall consist of:

(a) The deposit with the department of a surety bond in favor of any person or persons who may suffer damage or injury as the result of the aerial application of any pesticide made from the registered aircraft. ~~by the licensee~~ Said surety bond shall be a minimum of \$100,000 and shall be executed by a corporate surety company authorized to conduct business in Florida. The department shall evaluate and determine the adequacy of all such bonds before acceptance. When the aircraft is removed from aerial application ~~licensee ceases~~ operation, a said bond shall be returned after a period of six months following date of notice of withdrawal, provided such withdrawal shall not release said surety from liability existing hereunder during the time of aerial application at the time of the effective date of such withdrawal; or

(b) The filing of a certificate of insurance, verifying insurance in an amount of not less than \$100,000 property damage and \$300,000 bodily injury coverage per occurrence, insuring the registered aircraft ~~flown by the licensee~~ against liability for any damage, loss, or injury, including chemical drift or trespass, suffered by any person or persons, resulting from the aerial application of any pesticide made from the registered aircraft ~~by the licensee~~. A deductible clause of \$1,000 shall be acceptable. A current certificate of insurance must be filed with each initial and subsequent renewal registration. ~~After the initial license is issued, it is the aerial applicator's responsibility to maintain the required aerial insurance for all periods of time aerial applications are made.~~ Current ~~€~~ certificates of insurance or copies thereof shall be maintained in the aircraft registrant's aerial applicator's

possession from the date the aircraft is registered or until the registration is withdrawn, for a minimum of two years after the certificate expires.

(3) Inspection. Authorized department representatives may inspect aircraft required to be registered with the department as to equipment relating to aerial pesticide application under this rule during normal working hours without prior notification or as determined necessary when an emergency has been declared as contained in subsection (8) herein.

(4) Security. Each aircraft used for aerial application of any pesticide shall be secured when not in use. Secured storage shall include the aircraft being: within a locked building, locked in place securely, mechanically disabled from flying, or any other reasonable method which would prevent or deter theft or unauthorized use.

(5) Storage. All pesticides on the premises owned or controlled by any aerial applicator shall be stored and maintained in a manner such that they are not accessible to unauthorized persons. Secured storage shall include: fences with a minimum 6 feet height, door locks, valve locks, electronic security systems, disabling of mobile storage units, blocking of access, ingress or egress; or any other reasonable method to prevent or deter theft or unauthorized use. Buildings used to store pesticides must be of rigid construction so unauthorized entry can not be achieved without the use of heavy machinery or equipment. If a portable building is used for storage of pesticides, the building must be secured in place so it can not be towed or otherwise removed by unauthorized persons.

(6) Transactions. Any purchase, sale, rental, leasing, or transfer of ownership of an aircraft required to be registered with the department pursuant to subsection (1) above shall be transmitted to the department on (1) Florida Department of Revenue form DR-42 Rev-06/99 Ownership Declaration and Sales and Use Tax Report on Aircraft or (2) Aircraft Bill of Sale Form AC 8050-2 (09/92) or (3) Report of Aircraft Transaction Form DACS-13355 New 1/02 within 24 hours of the transaction.

(7) Recordkeeping. Aerial applicators shall maintain records relating to the application of each pesticide during a declared emergency. Such records generated during the emergency shall be retained for a period of two (2) years and shall be maintained in a manner that is accessible by the department upon request.

(a) Name and FAA license number of the licensee responsible for the pesticide application;

(b) Date and time of treatment;

(c) Location of treatment site, which may be recorded using any of the following designations:

1. County, range, township and section;

2. An identification system utilizing maps and/or written descriptions which accurately identify the location and distinguish the treatment site from other sites;

3. The legal property description; or

4. Global Positioning Satellite (GPS) coordinates or Longitude/Latitude points which delineate the treated area.

(d) Name of the person requesting or authorizing the application.

(e) Aircraft manufacturer, make and model.

(f) FAA aircraft registration number.

(g) Originating airports/airstrip.

(8) Area-of-Application Information. The information listed in (7)(a) through (7)(g) is required only when a declaration of an Executive Order pursuant to the emergency powers granted to the Governor or the Commissioner of Agriculture declaring an emergency in the State of Florida. Such information shall be provided and filed with the Department in a manner determined by the department.

(9) Forms. The following forms are hereby incorporated by reference. These forms may be obtained from the Florida Department of Agriculture and Consumer Services, Pesticide Certification Office, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399-1650, telephone (850)488-3314.

(a) Application for Aircraft Registration (DACs-13354), New 01/02.

(b) Ownership Declaration and Sales and Use Tax Report on Aircraft (DR-42), Rev. 06/99.

(c) Aircraft Bill of Sale AC Form 8050-2 (09/92).

(d) Report of Aircraft Transaction (DACs-13355), New 1/02.

Specific Authority 487.046, 570.07(23) FS. Law Implemented 487.046 FS. History—New 6-9-94, Amended 7-2-95, 9-24-98,\_\_\_\_\_.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Communities Trust**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Florida Forever Program	9K-7
RULE TITLES:	RULE NOS.:
Purpose	9K-7.001
Definitions	9K-7.002
General Requirements and Eligibility	
Requirements	9K-7.003
Submission of Application and	
Application Materials	9K-7.004
Communications to the Governing Board	9K-7.005
Determination of Application Completeness	9K-7.006
Project Evaluation Criteria	9K-7.007
Ranking and Selection of Applications	9K-7.008
Conceptual Approval of Projects	9K-7.009
Modification to the Project Boundary	9K-7.010

Preparation and Acceptance of the Management Plan 9K-7.011  
 Title, Acquisition Procedures, Project Plans, Lease Agreements and Transfer of Title 9K-7.012  
 Annual Stewardship Report Requirements 9K-7.013  
**PURPOSE AND EFFECT:** To modify the Florida Communities Trust grant application procedures for Florida Forever funds.  
**SUBJECT AREA TO BE ADDRESSED:** Grant application procedures of the Florida Communities Trust under the Florida Forever Program.  
**SPECIFIC AUTHORITY:** 380.507(11) FS.  
**LAW IMPLEMENTED:** 120.55(1)(a)4., 259.105, 380.508, 380.510, 380.501-.515 FS.  
**IF REQUESTED, IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**  
**TIME AND DATE:** 1:00 p.m., March 13, 2002  
**PLACE:** Kelley Training Center, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida  
 Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Janice Browning, Executive Director, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207, SunCom 292-2207 at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Janice Browning, Executive Director, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207, SunCom 292-2207  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Communities Trust**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Land Acquisition Procedures With Florida Forever Program	9K-8
RULE TITLES:	RULE NOS.:
Purpose	9K-8.001
Definitions	9K-8.002
General Information	9K-8.003
Election by Recipient of Titleholder and Negotiating Entity; Rules Governing Acquisitions; Title	9K-8.004
Title Report and Evidence of Marketable Title	9K-8.005
Certified Survey	9K-8.006

Appraisal Procedures, Appraisal Report Requirements and Determination of Maximum Approved Purchase Price 9K-8.007  
 Confidentiality of Appraisals, Other Reports Relating to Value, Offers and Counteroffers 9K-8.008  
 Negotiation of Offers and Counteroffers 9K-8.009  
 Purchase Agreements 9K-8.010  
 Preparation and Acceptance of Project Plan Examination for Hazardous Materials 9K-8.011  
     Contamination 9K-8.012  
 Trust Governing Board Action 9K-8.013  
 Closing 9K-8.014  
**PURPOSE AND EFFECT:** To modify the Florida Communities Trust procedures for acquiring land with Florida Forever funds.  
**SUBJECT AREA TO BE ADDRESSED:** Land acquisition procedures of the Florida Communities Trust under the Florida Forever Program.  
**SPECIFIC AUTHORITY:** 380.507(11) FS.  
**LAW IMPLEMENTED:** 259.105, 380.501-.515, 380.507(11), 380.508, 380.510 FS.  
**IF REQUESTED, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF A HEARING IS NOT REQUESTED, A HEARING WILL NOT BE HELD):**  
**TIME AND DATE:** 1:00 p.m., March 13, 2002  
**PLACE:** Kelley Training Center, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida  
 Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Janice Browning, Executive Director, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207, SunCom 292-2207 at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Janice Browning, Executive Director, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207, SunCom 292-2207  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Environmental Resource Permits	40B-400
RULE TITLES:	RULE NOS.:
Exemptions	40B-400.051
Publications and Agreements Incorporated by Reference	40B-400.091

Limiting Conditions 40B-400.115  
 General Permit to the Department  
 for Environmental Restoration  
 or Enhancement 40B-400.485

PURPOSE AND EFFECT: The Joint Administrative Procedures Committee (JAPC) objected to certain language in various sections of Chapter 40B-400, F.A.C. The objections were based on rule vagueness and improper references or incorporations by reference. The purpose of the proposed amendments is to delete and/or revise the language objected to by JAPC.

SUBJECT AREA TO BE ADDRESSED: Chapter 40B-4, F.A.C., addresses environmental resource permits and implements the comprehensive permit system authorized in Part IV, Chapter 373, F.S. Specifically, the proposed amendments: 1) make typographical corrections (see paragraph 40B-400.051(2)(g), F.A.C., and 12.2.4.3(a),(c) and 12.2.5 ERP Applicant’s Handbook); 2) delete statutory and rule cross references (see subparagraph 40B-400.051(2)(u)15. and paragraph 40B-400.485(2)(c), F.A.C.); 3) update the effective date of the “Environmental Resource Permit Applicant’s Handbook” (see subsection 40B-400.091(1), F.A.C.); 4) add language which authorizes the District to waive certain general permit conditions (see subsection 40B-400.115(1), F.A.C.); 5) replace reference to “373.421(2), F.S.” with “40B-400.046, F.A.C.” (see paragraph 40B-400.115(1)(p), F.A.C.); 6) clarify that project-specific special conditions must meet the conditions for issuance found in Rules 40B-400.103 and 40B-400.104, F.A.C. (see subsection 40B-400.115(2), F.A.C.); 7) add a rule reference (see 12.2.2.1 ERP Applicant’s Handbook); 8) remove the phrase “by the Department” and replace the words “However, the District may issue permits or certifications for” with “This provision shall not apply to” (see 12.2.5 ERP Applicant’s Handbook); 9) delete the case-by-case determination for innovative mitigation proposal and instead require the proposals to offset impacts to functions (see 12.3.1.8 ERP Applicant’s Handbook); 10) delete language authorizing the Governing Board to revoke a formal determination (see 12.5.4 ERP Applicant’s Handbook); 11) delete language pertaining to the application fee for certain subsequent petitions (see 12.5.5 ERP Applicant’s Handbook); and 12) delete the words “as provided by law” (see 12.5.6 ERP Applicant’s Handbook).

SPECIFIC AUTHORITY: 373.044, 373.046(4), 373.113, 373.118, 373.171, 373.415, 373.421(2), 373.461(3) FS.

LAW IMPLEMENTED: 373.046, 373.118, 373.413, 373.4135, 373.415, 373.416, 373.421(2)-(6), 373.426, 373.461(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: Linda Welch, Suwannee River Water Management District Headquarters, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE: Consumptive Use  
 RULE CHAPTER NO.: 40E-2

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend and update reference to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – September 2001” to reflect amendments to the Basis of Review. The Basis of Review will be updated regarding water conservation requirements for water users in response to information compiled from the regional water shortage of 1999-2001, and in coordination with the Statewide Water Conservation Initiative underway by the Florida Department of Environmental Protection and the state’s water management districts.

SUBJECT AREA TO BE ADDRESSED: Water conservation requirements applicable to public water suppliers, golf course permits, commercial/industrial permits, and agricultural permits will be addressed and may specifically include education, xeriscaping, plumbing irrigation, rates, leak detection, rain switches, reuse feasibility, water audits, recovery/recycling, demand management, industrial process use, resource efficiency credits, pressure balancing of utility systems, interconnects, metering, urban mobile labs, pool/fountain standards, cisterns, certification and training, and BMPs.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.103, 373.219, 373.244 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

DATE AND TIME: 10:00 a.m. – 12:00 p.m., March 12, 2002

PLACE: Stuart Recreation Center, 201 S. W. Flagler Avenue, Stuart, FL 34994, (561)288-5338

DATE AND TIME: 10:00 a.m. – 12:00 p.m., March 19, 2002

PLACE: South Florida Water Management District, Martin/St. Lucie Service Center, Building 218, Conference Room, 210 Atlanta Ave., Stuart, FL 34994, (561)223-2600

DATE AND TIME: 10:00 a.m. – 12:00 p.m., March 20, 2002

PLACE: Broward County Water Supply Training Room, Bldg. #2, 2555 West Copans Road, Pompano Beach, FL 33069, (954)831-0800

DATE AND TIME: 10:00 a.m. – 12:00 p.m., March 21, 2002  
 PLACE: South Florida Water Management District, Okeechobee Service Center, Auditorium, 2nd Floor, 205 North Parrott Ave., Okeechobee, FL 34972, (863)462-5260

DATE AND TIME: 10:00 a.m. – 12:00 p.m., March 22, 2002  
 PLACE: South Florida Water Management District, Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)686-8800

DATE AND TIME: 10:00 a.m. – 12:00 p.m., March 26, 2002  
 PLACE: South Florida Water Management District, Ft. Myers Service Center, Lobby Conference Room, 2301 McGregor Blvd., Ft. Myers, FL 33901, (941)338-2929

DATE AND TIME: 10:00 a.m. – 12:00 p.m., March 27, 2002  
 PLACE: South Florida Water Management District, Orlando Service Center, Creek Conference Room, 2nd Floor, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809, (407)858-6100

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: For technical issues: Michelle Percy, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 2174, or (561)682-2174 (mpercy@sfwmd.gov). For procedural issues: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (jjenniso@sfwmd.gov).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE: Water Shortage Plan  
 RULE CHAPTER NO.: 40E-21

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend and update Chapter 40E-21 relating to the Water Shortage Plan.

SUBJECT AREA TO BE ADDRESSED: Regulations, procedures, and specific restrictions related to water shortage declarations will be addressed, including water shortage restrictions relating to golf courses, recreation areas, industrial production and use, new landscaping, existing lawn/landscape

watering, agriculture, pesticide application, other outdoor water uses, irrigation systems, nurseries, and flood irrigation; water shortage triggers; variances; and enforcement.

SPECIFIC AUTHORITY: 120.54, 373.044, 373.113 FS.

LAW IMPLEMENTED: 120.54, 373.026, 373.042, 373.0421, 373.103, 373.119, 373.175, 373.246, 373.603, 373.609 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

DATE AND TIME: 1:00 p.m. – 3:00 p.m., March 12, 2002

PLACE: South Florida Water Management District, Homestead Field Station Conference Room, 2195 N. W. 8th Street, Homestead, FL 33033, 305-242-5933

DATE AND TIME: 1:00 p.m. – 3:00 p.m., March 19, 2002

PLACE: Stuart Recreation Center, 201 S. W. Flagler Avenue, Stuart, FL 34994, (561)288-5338

DATE AND TIME: 1:00 p.m. – 3:00 p.m., March 20, 2002

PLACE: Broward County Water Supply Training Room, Bldg. #2, 2555 West Copans Road, Pompano Beach, FL 33069, (954)831-0800

DATE AND TIME: 1:00 p.m. – 3:00 p.m., March 21, 2002

PLACE: South Florida Water Management District, Okeechobee Service Center, Auditorium, 2nd Floor, 205 North Parrott Ave., Okeechobee, FL 34972, (863)462-5260

DATE AND TIME: 1:00 p.m. – 3:00 p.m., March 22, 2002

PLACE: South Florida Water Management District, Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)686-8800

DATE AND TIME: 1:00 p.m. – 3:00 p.m., March 26, 2002

PLACE: South Florida Water Management District, Ft. Myers Service Center, Lobby Conference Room, 2301 McGregor Blvd., Ft. Myers, FL 33901, (941)338-2929

DATE AND TIME: 1:00 p.m. – 3:00 p.m., March 27, 2002

PLACE: South Florida Water Management District, Orlando Service Center, Creek Conference Room, 2nd Floor, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809, (407)858-6100

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: For technical issues: Michelle Percy, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 2174, or (561)682-2174 (mpercy@sfwmd.gov). For procedural issues: Julie Jennison, South Florida Water

Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (jjenniso@sfwmd.gov).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON (MICHELLE PEARCY) LISTED ABOVE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**RULE TITLE:** Unexcused Absences  
**RULE NO.:** 61-20.004  
**PURPOSE AND EFFECT:** The Board proposes to promulgate a new rule regarding unexcused absences of council members.  
**SUBJECT AREA TO BE ADDRESSED:** Unexcused absences of council members.  
**SPECIFIC AUTHORITY:** 455.207(3) FS.  
**LAW IMPLEMENTED:** 455.207(3) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Baker, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**RULE TITLE:** Fees  
**RULE NO.:** 61-20.504  
**PURPOSE AND EFFECT:** The Board proposes to review this rule to determine if amendments are necessary.  
**SUBJECT AREA TO BE ADDRESSED:** Fees.  
**SPECIFIC AUTHORITY:** 468.4315 FS.  
**LAW IMPLEMENTED:** 455.2171, 455.219(3),(6), 455.2281, 455.271, 468.4315(2), 468.433, 468.435 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie

Baker, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**RULE TITLE:** Special Assessment  
**RULE NO.:** 61-20.505  
**PURPOSE AND EFFECT:** The Board proposes to promulgate a new rule regarding a special assessment fee.  
**SUBJECT AREA TO BE ADDRESSED:** Special assessment.  
**SPECIFIC AUTHORITY:** 455.219(2) FS.  
**LAW IMPLEMENTED:** 455.219(2) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Julie Baker, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS :

61-20.505 Special Assessment.

(1) Each Community Association Manager licensee licensed on or before January 1, 2002, whether active or inactive, shall pay a special assessment fee of \$200.00, to the Department. Payment of the fee must be received by the Department no later than 5:00 P.M. on September 30, 2001.

(2) The special assessment fee applies to all licensees including those whose licenses have been suspended and/or placed on probation by the Department.

(3) Failure to pay the special assessment fee as required above shall constitute grounds for disciplinary action. Licensees who fail to pay the special assessment fee as required above shall be charged with violating Section 468.436(1)(b)2., F.S.

Specific Authority 455.219(2) FS. Law Implemented 455.219(2) FS. History--New

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**RULE TITLES:** Continuing Education Provider Approval  
 Continuing Education Course Approval  
**RULE NOS.:** 61-20.5081  
 61-20.5082

PURPOSE AND EFFECT: The Board proposes to review these rules to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing education provider and course approval.

SPECIFIC AUTHORITY: 468.4315(2),(3), 468.433 FS.

LAW IMPLEMENTED: 455.2179, 468.433, 468.4337 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Baker, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE TITLE: Prelicensure Education Provider Approval  
 RULE NO.: 61-20.510

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Prelicensure education provider approval.

SPECIFIC AUTHORITY: 468.4315(2), 468.433(2)(d) FS.

LAW IMPLEMENTED: 468.433(2)(d) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Baker, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Pilot Commissioners**

RULE TITLES:	RULE NOS.:
Initial Licensing Fee	61G14-14.002
Initial Certificate Fee	61G14-14.003
Biennial Fee	61G14-14.004
Unauthorized Practice Fee	61G14-14.0041

PURPOSE AND EFFECT: The purpose of the rule developments is to decrease certain fees referenced in Rules 61G14-14.002, .003, and .004, F.A.C. A new rule, numbered 61G14-14.0041, F.A.C., is being promulgated to provided language for an unauthorized practice fee.

SUBJECT AREA TO BE ADDRESSED: Initial licensing fee, initial certificate fee, biennial fee, and unauthorized practice fee.

SPECIFIC AUTHORITY: 310.185, 455.213(2) FS., Chapter 94-119, Laws of Florida.

LAW IMPLEMENTED: 310.061, 310.071, 310.121, 455.213(2), 455.2281 FS., Chapter 94-119, Laws of Florida.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anthony Spivey, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G14-14.002 Initial Licensing Fee.

(1) The license fee for those persons who are initially licensed as state pilots during the first year of the biennial licensure period shall be \$195.00 ~~\$200.00~~.

(2) The license fee for those persons who are initially licensed as state pilots during the second year of the biennial licensure period shall be \$95.00 ~~100.00~~.

Specific Authority 310.185, 455.213(2) FS. Law Implemented 310.121, 455.213(2) FS. History—New 2-10-82, Formerly 21SS-6.04, 21SS-6.004, 21SS-14.002, Amended \_\_\_\_\_.

61G14-14.003 Initial Certificate Fee.

(1) No change.

(2) The certification fee for those persons who are certificated as deputy pilots during the first year of the biennial licensure period shall be \$95.00 ~~\$100.00~~, except as provided in (1), above.

(3) The certification fee for those persons who are initially certificated as deputy pilots during the second year of the biennial licensure period shall be \$45.00 ~~\$50.00~~, except as provided in (1), above.

Specific Authority 310.185(1), 455.213(2) FS., Chapter 94-119, Laws of Florida. Law Implemented 310.071, 310.121, 455.213(2) FS., Chapter 94-119, Laws of Florida. History—New 2-10-82, Formerly 21SS-6.05, Amended 2-25-91, Formerly 21SS-6.005, 21SS-14.003, Amended 9-27-94, \_\_\_\_\_.

61G14-14.004 Biennial Fee.

Each licensed state shall pay a biennial license fee of ~~\$195.00~~ ~~\$200.00~~; provided that those state licensed pilots who have qualified to be cross licensed for one or more additional ports in accordance with the provisions and stated purpose of Section 310.061, F.S., and Rule 61G14-11.008, F.A.C., shall not be required to pay additional biennial fees for the certificates issued authorizing service in the additional ports. Each certificated deputy pilot shall pay a biennial certification fee of ~~\$95.00~~ ~~\$100.00~~.

Specific Authority 310.185 FS. Law Implemented 310.121, 310.061 FS. History—New 2-15-76, Amended 1-19-77, 5-4-77, 12-7-78, Formerly 21SS-6.01, Amended 2-25-91, Formerly 21SS-6.001, 21SS-14.003, Amended \_\_\_\_\_.

61G14-14.0041 Unauthorized Practice Fee.

As provided in Section 455.2281, Florida Statutes, the fee for enforcement of the laws prohibiting the unauthorized practice of engaging in the practice of piloting shall be \$5.00 per biennium for initial licensure or certification and subsequent renewals, in addition to any other fees associated with licensure or certification.

Specific Authority 310.185 FS. Law Implemented 455.2281 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Foreign Degree Evaluation  
 RULE NO.: 61G17-3.003

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule to address foreign degree evaluations.

SUBJECT AREA TO BE ADDRESSED: Foreign degree evaluation.

SPECIFIC AUTHORITY: 472.013(4) FS.

LAW IMPLEMENTED: 472.013(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Aggravating or Mitigating Circumstances  
 RULE NO.: 61G17-9.003

PURPOSE AND EFFECT: The Board proposes to amend to this rule due to comments received from staff at the Joint Administrative Procedures Committee.

SUBJECT AREA TO BE ADDRESSED: Aggravating or mitigating circumstances.

SPECIFIC AUTHORITY: Section 2, Chapter 86-90, Laws of Florida.

LAW IMPLEMENTED: Section 2, Chapter 86-90, Laws of Florida.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Standards for Telemedicine  
 RULE NO.: 64B8-9.014

PURPOSE AND EFFECT: The Board proposes the development of a rule to address appropriate electronic prescribing practice for physicians.

SUBJECT AREA TO BE ADDRESSED: Electronic prescribing practice for physicians.

SPECIFIC AUTHORITY: 458.309, 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(q),(v) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry G. McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-9.014 Standards for Telemedicine Prescribing Practice.

(1) Providing treatment recommendations, including prescribing medications, based solely on an electronic medical questionnaire constitutes the failure to practice medicine with

that level of care, skill, and treatment which is recognized by reasonably prudent physicians as being acceptable under similar conditions and circumstances, as well as the prescribing of legend drugs other than in the course of a physician's professional practice. Such practice shall constitute grounds for disciplinary action pursuant to Section 458.331(1)(q) and (t), F.S.

(2) Physicians shall not prescribe legend drugs or controlled substances, via telemedicine technology where there is no in-person contact between the physician and the patient, unless, prior to prescribing, the physician conducts and documents a patient evaluation, including history and physical examination, adequate to establish the diagnosis for which any drug is prescribed; discusses with the patient treatment options and the risks and benefits of the medication, as appropriate; and maintains contemporaneous medical records meeting the requirements of Section 458.331(1)(m), F.S., and Rule 64B8-10.003, F.A.C.

(3) The provisions of this rule are not applicable in an emergency situation. For purposes of this rule an emergency situation means a situation in which the prescribing physician determines that the immediate administration of the medication is necessary for the proper treatment of the patient, and that it is not reasonably possible for the prescribing physician to comply with the provision of this rule prior to providing such prescription.

(4) The provisions of this rule shall not be construed to prohibit patient care in consultation with another physician who has an ongoing relationship with the patient, and who has agreed to supervise the patient's treatment, including the use of any prescribed medications; nor does it prohibit on-call or cross-coverage arrangements.

Specific Authority 458.309, 458.331(1)(v) FS. Law Implemented 458.331(1)(q),(v) FS. History--New

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: RULE NO.:

Physician Assistant Licensure 64B15-6.003

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text.

SUBJECT AREA TO BE ADDRESSED: Physician assistant licensure.

SPECIFIC AUTHORITY: 458.347(7), 459.005, 459.022 FS.

LAW IMPLEMENTED: 120.53(1)(a), 456.013, 456.031, 456.033, 459.022 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 6:00 p.m., March 15, 2002

PLACE: The Nova Southeastern University, Student Assembly Auditorium, 3200 South University Drive, Ft. Lauderdale, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.003 Physician Assistant Licensure.

(1) through (3) No change.

(4) The applicant must submit notarized statements attesting to the following:

(a) Completion of three hours of all Category I, American Osteopathic ~~Medical~~ Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

(b) Completion of one hour of continuing medical education on domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patient to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Osteopathic ~~Medical~~ Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

(c) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Osteopathic ~~Medical~~ Association Continuing

Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.

(5) No change.

Specific Authority 459.005, 459.022, 458.347(7) FS. Law Implemented 120.53(1)(a), 456.013, 456.031, 456.033, 459.022 FS. History—New 10-18-77, Formerly 21R-6.03, Amended 10-28-87, 4-21-88, 4-18-89, 9-26-90, 5-20-91, 10-28-91, 3-16-92, Formerly 21R-6.003, Amended 11-4-93, 3-29-94, Formerly 61F9-6.003, Amended 2-1-95, Formerly 59W-6.003, Amended 6-7-98, 3-10-02,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Application for Licensure  
 RULE NO.: 64B15-12.003

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Application for licensure.

SPECIFIC AUTHORITY: 456.033(6), 459.005, 459.0055 (1)(i) FS.

LAW IMPLEMENTED: 456.033(6), 459.0055, 459.006, 459.007 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 6:00 p.m., March 15, 2002

PLACE: The Nova Southeastern University, Student Assembly Auditorium, 3200 South University Drive, Ft. Lauderdale, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-12.003 Applications for Licensure.

(1) No change.

(2) Applicants for licensure examination must have their application forms and fees submitted and received by the Board office and all information and documentation complete at least 30 days before the scheduled Board meeting in order to be considered by the Board. Applicants making initial application for licensure shall complete an educational course acceptable to the board on human immunodeficiency virus and acquired immune deficiency syndrome. Any applicant who has not completed the course at the time of licensure, shall, upon an affidavit showing good cause, be allowed 6 months to complete this requirement.

(3) No change.

Specific Authority 456.033(6), 459.005, 459.0055(1)(i) FS. Law Implemented 456.033(6), 459.0055, 459.006, 459.007 FS. History—New 6-4-91, Formerly 21R-12.003, 61F9-12.003, Amended 10-15-95, Formerly 59W-12.003, Amended 9-26-00,\_\_\_\_\_.

**Section II  
 Proposed Rules**

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

RULE TITLES:	RULE NOS.:
Certificate of Authority; Financial Requirements	3F-5.0016
Applications for Certificate of Authority	3F-5.002
Application for Transfer of a Certificate of Authority	3F-5.0022
Procedures for Licensing a New Cemetery	3F-5.004
Procedure for Licensing Existing Cemeteries	3F-5.005
Procedure for Licensing Transferred Cemeteries	3F-5.006
Conversion Procedures	3F-5.007
Request for Additional Information – Applications	3F-5.008
Regulatory Standards for Evaluating Applications by the Board	3F-5.009

PURPOSE AND EFFECT: The Board proposes to update these rules to incorporate updated forms and remove or replace obsolete language. Rule 3F-5.0016, F.A.C., is being amended to clarify that when an applicant does not have sufficient net worth, liquid assets or sufficient long-term assets, the Department may request additional financial information in an effort to verify that the assets are available. Rule 3F-5.008, F.A.C., is being amended to add Rule 3F-5.009, F.A.C., to the cited rules that provide methods, procedures, and supporting documentation for the licensing of new cemeteries, existing cemeteries, transferred cemeteries and for conversion procedures. This amendment also adds the Board of Funeral and Cemetery Services along with the department with authority to deny an application in accordance with Section 120.60(2), F.S.

SUMMARY: Rule 3F-5.0016, F.A.C., sets forth the financial requirements that must be met and maintained in order to operate as a certificate of authority, Rule 3F-5.002, F.A.C., sets out the requirements for obtaining a certificate of authority, Rule 3F-5.0022, F.A.C., sets out the requirements for transfer of a certificate of authority, Rule 3F-5.004, F.A.C., sets forth the procedures for licensing a new cemetery, Rule 3F-5.005, F.A.C., sets out the procedures for licensure of an existing cemetery, Rule 3F-5.006, F.A.C., sets forth the requirements for licensure of a transferred cemetery; Rule 3F-5.007, F.A.C., sets forth the procedures/requirements for a non-profit association cemetery to become a cemetery company, Rule 3F-5.008, F.A.C., sets out the time limits, methods, procedures, and supporting documents for conversion procedures when additional information is required for